

ORDINANCE NO. 394

AN ORDINANCE REGULATING AND RESTRICTING OUTDOOR FIRES WITHIN THE BOROUGH OF CHALFONT, REPEALING CHALFONT BOROUGH ORDINANCE 97A IN ITS ENTIRETY AND PROMULGATING AN ORDINANCE, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF

The Borough of Chalfont hereby ordains as follows:

Section 1. Title

This ordinance shall be known as the Chalfont Borough Burning Ordinance and is intended to regulate burning in the Borough.

Section 2. Applicability

This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 3. Definitions

RECREATIONAL FIRE. Any fire used in connection with camping, cooking, picnicking, or other commonly accepted recreational activity and shall not include the mere burning of logs, trees, lumber or other such materials. Recreational fires must be clearly used for said purpose at the time of observation and may only be kindled with seasoned wood, charcoal or other manmade material expressly for use in recreational fires.

SOLID WASTE. Any garbage, refuse, industrial lunchroom or office waste and other material resulting from operation of residential, municipal, commercial or institutional establishments.

RECYCLABLES. Materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to: glass (clear, brown or green), aluminum, steel and bimetal cans, high-grade office paper, mixed paper, newspaper (including newspaper inserts, junk mail and telephone books), corrugated paper, magazines and other periodicals, plastic containers and other materials as may be designated from time to time as recyclable materials.

LEAF WASTE. Twigs, shrub trimmings, small branches, and like vegetative matter.

Section 4. Standards

No person or persons shall set or maintain any fire within the Borough of Chalfont unless the said fire is for recreational purposes and is set and maintained strictly in accordance with the following terms and conditions:

- a. No outdoor fires shall be ignited prior to 9:00 a.m. on any day and must be extinguished by midnight of the same day.
- b. Base of the fire shall not exceed 30 inches in width and the fuel shall not be stacked higher than 20 inches above the base.
- c. Outdoor fires shall be attended at all times and until the fire is completely extinguished.
- d. No outdoor fires shall be set or maintained within 15 feet of any building.
- e. No person shall ignite, cause, feed, permit or maintain any open fire for the destruction of solid waste, recyclables or leaf waste.
- f. The burning of garbage, rubber, leather, plastics, paints, grease, oil, and other petroleum products is strictly prohibited under any conditions.
- g. No outside fire shall be set or burned which causes smoke to interfere to any degree with normal visibility at any point outside of the property upon which the burning is being conducted and which in any degree causes damage to the property of others or interferes with the welfare and comfort of other persons in the community and their right to enjoy their property free and clear from smoke nuisance.

Section 5. Standards during Hazardous Conditions

No person or persons shall set or maintain any outdoor fire of any type whatsoever within the Borough of Chalfont, when and during such specified periods of time as the Fire Chief of the Chalfont Fire Company shall determine, when in the opinion of such official, hazardous conditions exist by reason of unusual weather conditions, providing however, public notice of such prohibition is published one time in a newspaper having general circulation within the said Borough and further that such notice of prohibition is publicly posted at the Borough Hall and other prominent places within said Borough.

Section 6. Authority of Fire Marshal

The Fire Marshal shall have the authority to grant a variance from the provisions of this article for reasons including, but not limited to, the following:

- (a) To prevent or abate a fire hazard.
- (b) For the purposes of instructing personnel in fire-fighting techniques and exhibitions.
- (c) For prevention and control of disease and pests.
- (d) For fires set solely for ceremonial purposes.
- (e) Bonfires used for recreational entertainment, not exceeding five feet by five feet in size and not burning longer than three hours.

Requests for variances shall be made in writing to the Chalfont Borough Fire Marshal.

Section 7. Penalties for Violation

Any person violating any of the provisions of this Ordinance may, upon a finding of guilt by a District Court, or other Court having proper jurisdiction, be sentenced to pay a fine of up to \$500.00, together with costs. Upon a person being found guilty of a second or

subsequent violation of this Ordinance by a District Court, or other Court having proper jurisdiction, said person may be sentenced to pay a fine of up to \$1,000.00, together with costs. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the said person may be sentenced to jail for a period not exceeding 30 days.

Section 8. Severability

The provisions for this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would not have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, or part or provision had been included herein.

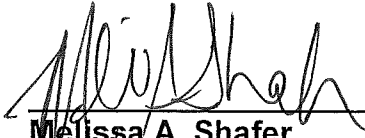
Section 9. Effective Date

This Ordinance shall be come effective immediately upon enactment.

THE BOROUGH OF CHALFONT HEREBY ORDAINS AND SO ENACTS


THIS 10th DAY OF August, 2010.

ATTEST:




Melissa A. Shafer
Chalfont Borough Manager

CHALFONT BOROUGH COUNCIL



Robert M. Cleland
President

APPROVED:



Marilyn J. Becker, Mayor